



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE SENATE

ORDER PAPER

AFTERNOON SITTING

WEDNESDAY, DECEMBER 06, 2023 AT 2.30 PM

PRAYER

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers (as listed in the Appendix)
6. Notices of Motion
7. Questions and Statements (as listed in the Appendix)
8. **MOTION - ALTERATION OF HOURS OF MEETING ON THURSDAY, DECEMBER 07 DECEMBER, 2023**
(The Senate Majority Leader)

THAT, notwithstanding the Resolutions of the Senate made on 16th February, 2023, and on 29th March, 2023, pursuant to Standing Order 32 on the approval of the Senate Calendar (Regular Sessions) for the Second Session, 2023; pursuant to Standing Order 34 (4) (b), the Senate resolves to alter its hours of meeting on Thursday, December 07, 2023, to hold a morning sitting commencing from 9.30 am and ending at 1.00 pm instead of the afternoon sitting.

9. **COMMITTEE OF THE WHOLE**
****THE COFFEE BILL (SENATE BILLS NO. 10 OF 2023)**
(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)
10. ***THE PUBLIC HOLIDAYS (AMENDMENT) BILL, (SENATE BILLS NO. 31 OF 2023)**
(Sen. Karungo Thang'wa, MP)

(Second Reading)

...../Bills

11. ***THE COUNTY ASSEMBLY SERVICES (AMENDMENT) BILL (SENATE BILLS NO. 34 OF 2023)**

(Sen. Mohamed Chute, MP)

(Second Reading)

12. ***THE REAL ESTATE REGULATION BILL (SENATE BILLS NO. 35 OF 2023)**

(Sen. Allan Kiprotich Chesang, MP)

(Second Reading)

13. ***THE PARLIAMENTARY POWERS AND PRIVILEGES (AMENDMENT) BILL (SENATE BILLS NO. 37 OF 2023)**

(Sen. Godfrey Osotsi, MP)

(Second Reading)

14. ***THE PUBLIC TRANSPORT (MOTORCYCLE REGULATION) BILL (SENATE BILLS NO. 38 OF 2023)**

(Sen. (Dr.) Boni Khalwale, MP)

(Second Reading)

15. ***THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 40 OF 2023)**

(Sen. Hamida Ali Kibwana, MP)

(Second Reading)

- i.) **NOTICE** is given that, pursuant to Standing Order 259 (1) (c), the sitting will be a hybrid sitting consisting of Senators who are physically present in the Senate Chamber and Senators participating virtually from a remote location through **Zoom** online meeting platform, as per guidelines issued by the Speaker pursuant to Standing Order 258 (4).

The Senate resolved on 15th February, 2023 as follows:-

- ii.) **THAT**, pursuant to Standing Order 111 (1), the Senate resolves that debate on a Motion not sponsored by the Majority or Minority Party or a Committee shall be limited in the following manner:-

A maximum of three hours with not more than twenty minutes for the Mover, twenty minutes for the Majority Party Official Responder, twenty minutes for the Minority Party Official Responder and fifteen minutes for each other Senator speaking and that fifteen minutes before the time expires, the Mover shall be called upon to reply.

KEY

******- Denotes a Majority /Minority Party Bill**

*****- Denotes a National Assembly Bill**

****- Denotes a Committee Bill**

***- Denotes any other Bill**

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****THE COFFEE BILL (SENATE BILLS NO. 10 OF 2023)**

(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

NOTICE is given that, the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries intends to move the following amendments to the Coffee Bill, (Senate Bills No. 10 of 2023), at the Committee Stage—

CLAUSE 3

THAT clause 3 of the Bill be amended—

- (i) by inserting the following new paragraph immediately after paragraph (a) —
 - (aa) regulation of the coffee sector; and
- (ii) in paragraph (d) by inserting the words “at the production level” immediately after the words “coffee value chain”.

CLAUSE 4

THAT clause 4 of the Bill be amended in subclause (1) by deleting the words “a Board to be known as” appearing immediately after the word “established”.

CLAUSE 6

THAT clause 6 of the Bill be amended in subclause (2) by deleting the words “create or take part in creation of, or become a member of, or” appearing immediately after the words “considers it necessary,”.

CLAUSE 7

THAT Bill be amended by deleting clause (7) and substituting therefore the following new clause —

7(1) The management of the Board shall vest in a board of Board of directors consisting of— directors

- (a) a chairperson appointed by the President by notice in the *Gazette*;
- (b) the Principal Secretary responsible for agriculture or a designated representative;
- (c) the Principal Secretary for the time being responsible for trade or a designated representative;
- (d) the Principal Secretary for the time being responsible for cooperatives or a designated representative;

- (e) two persons of the opposite gender, representing smallholder coffee growers nominated by the umbrella body for coffee cooperative societies’;
- (f) one person nominated by the largest association of estate growers; and
- (g) two persons of the opposite gender with knowledge of the coffee industry nominated by the Council of County Governors;
- (h) a chief executive officer appointed under section 15 who shall be an ex-officio member of the Board.

(2) The Cabinet Secretary shall appoint the members under subsection (1), (a), (e), (f) and (g) by notice in the *Gazette*.

CLAUSE 8

THAT the Bill be amended by deleting clause 8 and substituting therefor the following new clause—

8. (1) A person is qualified for appointment as a member of the Board under section 7(1)(a), (e), (f) and (g) if that person—

- (a) is a citizen of Kenya;
- (b) holds, in the case of a person appointed under –
 - (i) section 7(1)(a) and (g), a degree from a university recognized in Kenya; and
 - (ii) section 7(1)(e) and (f), a certificate in secondary school education.;
- (c) has at least three years’ experience preferably in management in the coffee sector; and
- (d) meets the requirements of leadership and integrity set out in Chapter Six of the Constitution.

(2) A person is not qualified for appointment if that person—

- (a) is convicted of a criminal offence and sentenced to a term of imprisonment of at least six months;
- (b) is a member of Parliament or county assembly; or
- (c) is adjudged bankrupt.

CLAUSE 9

THAT the Bill be amended by deleting clause 9 and substituting therefor the following new clause—

9.The persons appointed under section 7(1) (a), Term of (e), (f), (g) shall serve for a term of three years appointment renewable for one further term.

9.The persons appointed under section 7(1) (a), (e), (f), (g) shall serve for a term of three years renewable for one further term.

CLAUSE 11

THAT clause 11 of the Bill be amended in –

(a) subclause (1) by –

- (i) deleting the words “board of directors” appearing immediately after the word “The” at the beginning of subclause (1) and substituting therefor the word “Board”;
- (ii)by inserting the words “as set out in the second schedule” in paragraph (c);
- (iii)by deleting the words “coffee growers, nursery operators, coffee cooperatives societies, coffee associations, and coffee estates in the country;” appearing immediately after the words “of coffee dealers” in paragraph (k);
- (iv) deleting paragraph(o);
- (v) by inserting the following new paragraph immediately after paragraph (n) –
 - (i) (na) regulate the marketing and trading of coffee; and
 - (ii)(nb) source markets and market Kenyan coffee in the international market”.

(b) subclause (2) by deleting the words “board of directors” appearing immediately after the word “The” at the beginning of subclause (2) and substituting therefor the word “Board”;

CLAUSE 19

THAT clause 19 of the Bill be amended by deleting the words “Board or to any of its members” appearing immediately after the words “attach to the” and substituting therefor the words “members of the Board”.

CLAUSE 25

THAT clause 25 of Bill be amended in subclause (1) by inserting the following new paragraphs immediately after paragraph (c) —

- (d) warehouse; and
- (e) commercial coffee miller.

CLAUSE 26

THAT clause 26 of the Bill be amended by—

- (a) deleting subclause (1) and substituting therefore the following new subclause—

- (1) A coffee grower, nursery operator, grower miller, commercial miller, coffee roaster, cooperative society, coffee association or coffee estate shall register with the respective county government where they are based.

- (b) inserting the following new subclauses immediately after subclause (1) —
 - (1A) Despite subsection (1), a grower who is a registered member of a coffee cooperative society or association which is registered by a county government, shall be exempted from registration by that county government;
 - (1B) Subsection (1A) shall apply to a grower on condition that the cooperative society or association is registered in the same county as that which the grower is carrying out business;
 - (1C) A registered cooperative society or association shall —
 - (a) submit a register of its members to the respective county government at the beginning of each calendar year; and
 - (b) furnish the county government with information on any change of membership within thirty (30) days of a change of membership.

CLAUSE 29

THAT clause 29 of the Bill be amended in subclause (2) by deleting the word “the” appearing immediately after the words “brokerage services at” and substituting therefor the word “an”.

CLAUSE 31

THAT clause 31 of the Bill be amended by deleting the word “provider” appearing immediately after the words “A licence holder”.

CLAUSE 32

THAT clause 32 of the Bill be amended in subclause (6) by inserting the words “and is liable, on conviction, to a fine not exceeding five hundred thousand shillings, or to imprisonment for a term not exceeding one year, or to both” immediately after the words “commits an offence”.

CLAUSE 34

THAT clause 34 of the Bill be amended in subclause (2) by deleting the word “sub-regulations” appearing immediately after the word “the provision of” and substituting therefor the word “subsection”.

CLAUSE 37

THAT Bill be amended by deleting clause 37 and substituting therefor the following new clause —

37. Where an applicant is dissatisfied with the decision of Appeals a licensing authority not to issue a licence, to revoke or cancel a licence under this Act, the applicant may make an application to the Dispute Resolution Committee established under section 87.

CLAUSE 42

THAT clause 42 of the Bill be amended in subclause (9) by deleting the word “the” appearing immediately after the words “for sale in” and substituting therefor the word “an”.

CLAUSE 44

THAT clause 44 of the Bill be amended by deleting paragraph (3) and (4).

CLAUSE 45

THAT clause 45 of the Bill be amended in subclause (6) by inserting the words “and fifty” immediately after the words “remit two hundred”.

CLAUSE 46

THAT clause 46 of the Bill be amended in subclause (1) —

- (a) by deleting the word “the” appearing immediately after the word “auction in” in paragraph (a) and substituting therefor the word “an”; and
- (b) by inserting the words “in consultation with the county governments and the Board” immediately after the words “the Cabinet Secretary” in paragraph (c).

CLAUSE 47

THAT clause 47 of the Bill be amended —

- (a) in subclause (1) by deleting the word “and may for this purpose, sell own clean coffee to a licensed roaster for local value addition and sale” appearing immediately after the words “sale in coffee”;
- (b) by inserting the following clauses immediately after subclause (1) —
 - (1A) Before a contract for direct sale is completed, a sample of not more than 250 grams of the coffee intended for sale shall be submitted to an exchange for quality analysis and price discovery.
 - (1B) An exchange in which the sample is delivered under subclause (1) shall within fourteen days, issue to the coffee grower with a report on the quality and the price discovery in the prescribed form.
 - (1C) Despite the provisions of subclause (1A) and (1B), a contract for future sales shall not be subjected to price and grade discovery at an exchange.
- (c) subclause (3) by deleting the word “and a licenced roaster” appearing immediately after the words “licenced coffee grower” in the introductory clause.

CLAUSE 48

that the Bill be amended by deleting clause 48 and substituting therefor the following new clause—

- 48. (1) The Capital Market Authority shall licence an exchange for the purposes of trading coffee. Licencing and functions of an exchange.
- (2) An exchange shall be a company incorporated under the Companies Act and licensed by the Capital Markets Authority to trade in clean coffee.
- (3) An exchange shall—
 - (a) manage its auction floor, the central sample room, the information registry and the direct settlement system;
 - (b) maintain records relating to coffee sales, coffee samples and sweepings;
 - (c) avail sales catalogues to interested parties in accordance with the Capital Markets Act;
 - (d) disseminate market information for every auction and an analysis of performance on, weekly and monthly basis; and
 - (e) carry out such other function as the Cabinet Secretary for trade may prescribe.
- (4) The proceeds of the sale of coffee at an Exchange shall be deposited in a direct settlement system established in accordance with the Capital Markets Act.

CLAUSE 49

THAT clause 49 of the Bill be amended in—

- (a) subclause (2) by deleting the word “the” appearing immediately after the words “receipt endorsed by” and substituting therefor the word “an”;
- (b) by deleting subclause (3);
- (c) subclause (4) by inserting the words “and is liable, on conviction, to a fine not exceeding five hundred thousand shillings, or to imprisonment for a term not exceeding six months, or to both” immediately after the words “commits an offence”;
- (d) the marginal note by deleting the word “the” appearing immediately after the words “Management of” and substituting therefor the word “an”.

CLAUSE 50

THAT clause 50 of the Bill be amended by deleting subclause (1) and substituting therefor the following new subclause—

- (1) A grower or a broker appointed by a grower shall, in the presence of a commercial miller and in consultation with an exchange, prepare a sales catalogue for all the coffee in a licenced warehouse in accordance with the Act.

CLAUSE 51

THAT clause 51 of the Bill be amended in-

- (a) in subclause (2) by deleting the words “the respective county” appearing immediately after “this act and” and substituting therefore the words “other relevant”
- (b) subclause (6) by inserting the words “and is liable, on conviction, to a fine not exceeding three hundred thousand shillings, or to imprisonment for a term not exceeding six months, or to both “immediately after the words “commits an offence”

CLAUSE 52

THAT clause 52 of the Bill be amended—

- (i) in subclause (1) by deleting paragraph (b) and substituting therefor the following new paragraph—
 - (b) notification and registration of direct sales contract, certificate of origin, certificate of quality and any other relevant approvals issued by the Board.
- (ii) by deleting subclause (3) and substituting therefor the following new subclause—
 - (3) Clean coffee imports shall —

- (a) be accompanied by the certificate of origin and phytosanitary certificate issued by the country of origin and adhere to Kenyan coffee standards; and
- (b) be inspected and issued with Phytosanitary Certificate by the Kenya Plant Health Inspectorate Service.

CLAUSE 53

THAT clause 53 of the Bill be amended in subclause (2) by inserting the words “and is liable, on conviction, to a fine not exceeding twice the value of the blended coffee, or to imprisonment for a term not exceeding one year, or to both” immediately after the words “commits an offence”.

CLAUSE 55

THAT clause 55 of the Bill be amended in subclause (9) by inserting the words “in collaboration with the county governments and other relevant bodies” immediately after the words “the institute shall”.

CLAUSE 58

THAT clause 58 of the Bill be amended by—

- (i) inserting the following new paragraph immediately after the introductory phrase—
 - (a) such monies as may be appropriated by the National Assembly for the purposes of the Board; and
- (ii) renumbering the existing paragraph(a) as paragraph (aa).

CLAUSE 59

THAT the Bill be amended by deleting clause 59 and substituting therefor the following new clause—

- (1) The Cabinet Secretary shall, in consultation with the Board and the county governments and by notice in the *Gazette*, impose a levy of two percent on the export import value remitted by coffee buyers to the Board through the direct settlement system for the development of the coffee industry. Coffee
development
levy
- (2) the levy imposed under subsection (1) shall be apportioned as follows—
 - (a) thirty per centum to the Institute;

- (b) fifteen per centum to the Board for regulatory purposes;
- (c) twenty per centum for price stabilization which shall be managed by the Commodities Fund;
- (d) ten per centum to the Board for marketing purposes; and
- (e) twenty-five per centum to the county growing areas on pro-rata basis as a conditional grant for coffee development.

CLAUSE 63

THAT clause 63 of the Bill be amended by deleting the word “March” appearing immediately after the words “thirty first of” and substituting therefor the word “June”.

PART IX

THAT Part IX of the Bill be amended in the heading by inserting the words “AND TRAINING” immediately after the word “COFFEE RESEARCH”.

CLAUSE 64

THAT clause 64 of the Bill be amended in subclause (1) by inserting the words “and Training” immediately after the words “the Coffee Research”.

CLAUSE 67

THAT clause 67 of the Bill be amended —

(a) in subclause (1) by —

- (i) deleting the word “board” appearing immediately after the words “vest in a” in the introductory phrase and substituting therefore the word “Council”
- (ii) deleting paragraph (a) and substituting therefore the following new paragraph —
 - (a) a chairperson of the Council appointed by the Cabinet by notice in the *Gazette*;
- (iii) deleting paragraph (b);
- (iv) deleting paragraph (e) and substituting therefor the following new paragraph—
 - (e) the Director General of Kenya Agricultural Research Institute;

- (v) by deleting the words “the Cabinet Secretary” appearing immediately after the words “coffee growers nominated” in paragraph (f) and substituting therefor the words “the largest association of estate growers”;
 - (vi) by deleting the words “Council of County Governors” appearing immediately after the words “nominated by the” in paragraph (g) and substituting therefor the words “umbrella body of cooperative societies”;
 - (vii) by deleting paragraph (h) and substituting therefor the following new paragraph—
 - (h) a chief executive officer appointed in accordance with section 74 who shall be an ex-officio member of the Council.
- (b) by deleting subclause (3) and substituting therefor the following new subclause—
- (3) A person is qualified for appointment as a chairperson of the Council of the Institute if that person holds a Master’s degree in crop research or a related field from a university recognized in Kenya and has three years’ experience in the coffee sector.

CLAUSE 68

THAT clause 68 of the Bill be amended by deleting the expression “40 (1) (f) (g) and (h)” appearing immediately after the word “appointed under section” and substituting therefor the expression “67(a) (e) (f)(g) and (h)”

CLAUSE 69

THAT clause 69 of the Bill be amended in subclause (1) —

- (a) by deleting the word “board” appearing immediately after the words “member of the” in the introductory clause and substituting therefor the word “Council”.
- (b) In paragraph (a) by deleting the word “board” appearing immediately after the words “meeting of the” and substituting therefor the word “Council”.

CLAUSE 70

THAT clause 70 of the Bill be amended in subclause (1) by—

- (a) inserting the following new paragraph immediately after paragraph (e) —
 - (e) develop curriculum and offer training on research findings.
- (b) by deleting the word “board” appearing immediately after the words “functions as the” in paragraph (r) and substituting therefor the word “Council”.

CLAUSE 71

THAT clause 71 of the Bill be amended by deleting the word “board” appearing immediately after the word “The” at the beginning of the clause and substituting therefor the words “Council”.

CLAUSE 72

THAT Bill be amended by deleting clause 72 and substituting therefor the following clause—

72. The provisions of the first schedule on the conduct of business and the affairs of the board of directors shall apply to the Council with the necessary modifications.	Conduct of business of the Council of the Institute
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CLAUSE 73

THAT clause 73 of the Bill be amended—

- (a) by deleting the word “board” appearing immediately after the words “member of the” and substituting therefor the word “Council”; and
- (b) in the marginal note by deleting the word “board” appearing immediately after the words “members of the” and substituting therefor the word “Council”.

CLAUSE 74

THAT the Bill be amended in subclause (1) by deleting clause 74 and substituting therefor the following new clause —

74. There shall be a chief executive officer of the Institute who shall be competitively recruited and appointed by the Council of the Institute on such terms and conditions as the Council shall determine.

CLAUSE 75

THAT clause 75 of the Bill be amended by deleting the word “board” appearing immediately after the word “The” at the beginning of the clause and substituting therefor the words “Council”.

CLAUSE 77

THAT clause 77 of the Bill be amended by deleting the word “institute or to any of its members” appearing immediately after the word “not attach to” and substituting therefor the word “members of the Council”.

CLAUSE 78

THAT clause 78 of the Bill be amended by deleting the word “board” appearing immediately after the words “designated by the” and substituting therefor the word “Council”.

CLAUSE 79

THAT the Bill be amended by deleting clause 79 and substituting therefor the following new clause —

79. All letters and instruments written or made by or on behalf of the Council of the Institute, other than those required by law to be under seal, and all decisions of the Council of the Institute, shall be signed under the hand of the chief executive officer or in the absence of the chief executive officer, a person authorized by the Council of the Institute.

CLAUSE 80

THAT clause 80 of the Bill be amended by—

(i) inserting the following new paragraph immediately after the introductory phrase—

(a) such monies as may be appropriated by the National Assembly for the purposes of the Institute; and

(ii) renumbering the existing paragraph(a) as paragraph (aa).

CLAUSE 81

THAT clause 81 of the Bill be amended by deleting the word “board” appearing immediately after the word “The” at the beginning of the clause and substituting therefor the words “Council”.

CLAUSE 82

THAT clause 82 of the Bill be amended by deleting the word “board” appearing immediately after the word “The” at the beginning of the clause and substituting therefor the words “Council”.

CLAUSE 86

THAT clause 86 of the Bill be amended by deleting the word “March” appearing immediately after the words “thirty first of” and substituting therefor the word “June”.

CLAUSE 87

THAT the Bill be amended by deleting clause 87 and substituting therefor the following new clause —

87.(1) Disputes related to issuance of permits, licensing, Disputes nomination of Board members or council members and Resolution other matters that may arise in the coffee sector shall be Committees resolved, in the first instance, by a Dispute Resolution Committee.

- (2) Each licensing authority shall have an ad hoc Dispute Resolution Committee that consists of a chair and two other members appointed by, in the case of—
 - (a) the Board, the Cabinet Secretary; and
 - (b) the county governments, the respective governor;by notice in the *Gazette*.
- (3) The members of the committee shall not be members of a licencing authority.
- (4) A dispute resolution committee may regulate its own procedure.
- (5) A licencing authority shall provide secretarial services to a dispute resolution committee.
- (6) The Cabinet Secretary shall make rules on the procedure for nominating members to a Dispute Resolution Committee.
- (7) Decisions regarding any dispute contemplated under this section shall be made by the relevant Dispute Resolution Committee within thirty days of the hearing of the dispute in question.
- (8) A person who is dissatisfied with the decision of a Dispute Resolution Committee may appeal to the High Court.

CLAUSE 88

THAT clause 88 of the Bill be amended in subclause (1) by inserting the words “a licenced exchange” immediately after the words “The Board”.

CLAUSE 89

THAT clause 89 of the Bill be amended by deleting paragraph (b) and substituting therefor the following new paragraph—

(b)in furnishing such information, makes a statement which they know to be false, commits an offence and shall be liable, on conviction to a fine not exceeding fifty thousand shillings or to imprisonment not exceeding three months, or both.

CLAUSE 90

THAT clause 90 of the Bill be amended—

- (a)in subclause (1) by deleting the words “board of the institute” appearing immediately after the words “opinion of the” and substituting therefor the words “Council”; and
- (b) in subclause (2) by deleting the word “board” appearing immediately after the words “Consent of the” and substituting therefor the words “Council”.

CLAUSE 92

THAT clause 92 of the Bill be amended in subclause (4) by deleting the words “not less than twenty” appearing immediately after the word “a fine of” and substituting therefor with the word “not more than fifty”.

CLAUSE 94

THAT clause 94 of the Bill be amended—

- (a)in subclause (1) by inserting the words “and the Council of County Governors” immediately after the words “with the Board”;
- (b) by inserting the following new paragraphs immediately after paragraph(k) —
 - (l) operationalization of Direct Settlement System;
 - (m) forms on—
 - (i) notice to an importer on the intention to destroy coffee;
 - (ii)submission of monthly returns to the Board by growers and roasters;
 - (iii)communicating to the direct settlement system on charges for delivery of services to a grower;
 - (iv)report by a laboratory on quality compliance;
 - (v) bulking of coffee;
 - (vi)coffee traceability;
 - (vii)the area under coffee cultivation and information regarding uprooted coffee in a county; and
 - (viii) register of coffee growers and the number of coffee trees planted or uprooted by member of a cooperative society.

CLAUSE 96

THAT clause 96 of the Bill be amended by deleting the word “board” appearing immediately after the words “designated by the” and substituting therefor the word “Council”.

NEW CLAUSES

NEW CLAUSE 25 A

THAT the Bill be amended by inserting the following new clause immediately after clause 25—

25A. (1) The Board and county governments shall regulate the production and processing of coffee with a view of —

- (a) promoting productivity;
- (b) promoting access to markets;
- (c) facilitating provision of infrastructure including farm inputs;
- (d) providing post-harvest services;
- (e) providing extension services;
- (f) providing incentives to farmers; and
- (g) providing credit facilities.

(2) The Board and county governments shall maintain the necessary statistical information with respect to the coffee sector for proper planning.

NEW CLAUSES 44A

THAT the Bill be amended by inserting following new clauses immediately after clause 44 -

44A. A cooperative society shall, in imposing a fee to its growers, adhere to the society's budget and not exceed ten percent of the gross earnings from the coffee sales. Imposition of fees by societies.

NEW CLAUSE 44B

44B. (1) Every contract for milling of coffee shall be in writing and shall contain such information as may be prescribed. Milling services

(2) A commercial miller shall –

- (a) ensure that the grower or grower's representative is given reasonable notice to be present during the milling process;
- (b) take out comprehensive insurance cover against fire, theft, and other risks for all coffee in its possession and custody;

...../Notice of Amendments

- (c) account for mill spillage or sweepings and all other coffee by-products to the growers and the Board;
- (d) digitize its operations to ensure weight precision, timely dissemination of information and protection of growers’ data;
- (e) submit returns on coffee received and milled to the Board and the respective county government; and
- (f) comply with the prescribed standard coffee grades.

THE FIRST SCHEDULE

THAT the first schedule to the Bill be amended —

- (a) in the title by deleting words “OR THE BOARD OF THE INSTUTUTE” appearing immediately after the words “BOARD OF DIRECTORS”;
- (b) in paragraph (1)—
 - (i) by deleting the words “or the board of the institute” appearing immediately after the words “board of directors” in sub- paragraph (1);
 - (ii) by deleting the words “or the board of the institute” appearing immediately after the words “board of directors” in sub- paragraph (2);
 - (iii) by deleting the words “or the board of the institute” appearing immediately after the words “board of directors” in sub- paragraph (3);
 - (iv) by deleting the words “or the board of the institute” appearing immediately after the words “board of directors” in sub- paragraph (4);
 - (v) by deleting the words “respective” appearing immediately after the words “business of the” in sub- paragraph (5);
 - (vi) by deleting sub-paragraph (6) and substituting therefor the following new sub-paragraph—
 - (6) The chairperson shall preside at every meeting of the board at which the chairperson is present and in the absence of the chairperson, the members of the board present shall elect one person from their number to preside over the meeting of the board and that person shall have all the powers of the chairperson.
 - (vii) by deleting the words “or the board of the institute” appearing immediately after the words “board of directors” in sub- paragraph (7);
 - (viii) by deleting the words “or the board of the institute” appearing immediately after the words “board of directors” in sub- paragraph (8);

- (ix) by deleting sub-paragraph (9) and substituting therefor the following new sub-paragraph—
 - (9) Subject to provisions of this Schedule, the board may determine its own procedure and the procedure for any committee of the board and for the attendance of other persons at its meetings thereof;
- (c) in paragraph (2) —

- (i) by deleting sub-paragraph (1) and substituting therefor the following new sub-paragraph—

2. (1) If a member of the board of directors is directly or indirectly interested in any contract, proposed contract or other matter before the board of directors and is present at a meeting of the board of directors at which the contract, proposed contract or other matter is the subject of consideration, the member shall, at the meeting and as soon as reasonably practicable after the commencement thereof, disclose the interest of the member in the matter and shall not take part in the deliberations over, or vote on, the matter.

- (ii) by deleting sub-paragraph (1) and substituting therefor the following new sub-paragraph—

Any contract or instrument which if entered into or executed by a person not being a body corporate, would not be required to be under seal may be entered into or executed on behalf of board of directors by any person generally or specially authorized by the board of directors for that purpose.

THE SECOND SCHEDULE

THAT the first Second schedule of the Bill be amended—

- (i) at item no. 3 by deleting the words “warehouseman’s” appearing in the first column and substituting therefor the word “warehouse operator; and
- (ii) by deleting item no. 7.

CLAUSE 2

THAT clause 2 of the Bill be amended —

- (a) in the definition of the word—
 - (i) “coffee grower” by inserting the words “is linked to a licenced pulping station,” immediately after the words “coffee in Kenya”;

- (ii) “clearing house” by deleting the word “the” appearing immediately after the word “on behalf of “and substituting therefore the word “an”
 - (iii) “sweepings” by deleting the word “the” appearing immediately after the word “for sale at “and substituting therefore the word “an”
 - (iv) “Institute” by inserting the words “and Training” immediately after the words “the Coffee Research”
- (b) by deleting the definition of the words —

- (i) “broker” and substituting therefore the following new definition —
“broker” means a person cleared by an exchange and licensed by the Capital Markets Authority, who may be appointed by a grower or an association of growers in accordance with the Capital Markets Act, to sell their coffee on their behalf through an Exchange;
- (ii) “direct sale” and substituting therefore the following new definition—
“direct sale” means a contractual arrangement between a registered grower, coffee co-operative society, coffee union, grower-miller or a coffee estate and an overseas buyer for the sale of own clean coffee based on mutually accepted terms and conditions enforceable in law and includes settlement coffee sales proceeds through the direct settlement system on boarded by a coffee exchange.
- (iii) “sales catalogue” and substituting therefore the following new definition —
“sales catalogue” means a standard document prepared by a grower or a broker appointed by a grower in the presence of a commercial miller and in consultation with an exchange, for sale of clean coffee at an exchange;

(c) by inserting the following definitions in their proper alphabetical sequence—

"buni" means coffee dried in the fruit or cherry but does not include hulled buni, also referred to as clean coffee, heavy buni or light buni;

"co-operative society" means a co-operative society registered under the Co-operative Societies Act, Cap 490; and

“Council” means the Council of the Institute as provided for under Section 67.

LONG TITLE

THAT the Bill be amended by deleting the long title and substituting therefor the following new long title—

AN ACT of Parliament to provide for: the establishment of the Coffee Board of Kenya, and the Coffee Research Institute; the role of the National and the county governments; the regulation, development and promotion of coffee industry; and for connected purposes.

APPENDIX

1. PAPERS

- i.) Report of the Auditor-General on Kipkelion Sub-County Level 4 Hospital for the year ended 30th June, 2022, County Government of Kericho.
- ii.) The State of the Judiciary and the Administration of Justice Annual Report for the Financial Year 2022/2023 and Blueprint for Social transformation through access to justice for 2023 - 2033.
- iii.) Annual County Governments Budget Implementation Review Report for Financial Year 2022/23

(The Senate Majority Leader)

2. QUESTIONS AND STATEMENTS

a) Requests for statements pursuant to Standing Order 53(1)

- i.) The Senator for Nyandarua County (Sen. John Methu, MP) to seek a Statement from the Standing Committee on Labour and Social Welfare regarding the termination of contracts of community scouts by the Kenya Wildlife Service (KWS).
- ii.) The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, SC, MP) to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations concerning the safety, security and wellbeing of police officers on duty.
- iii.) Nominated Senator (Sen. Betty Montet, MP) to seek a Statement from the Standing Committee on Roads, Transportation and Housing regarding renovation of stadiums identified to host the 2027 Africa Cup of Nations (AFCON) tournament.
- iv.) The Senator for Embu County (Sen. Alexander Mundigi, MP) to seek a statement from the Standing Committee on Energy regarding the seizure by the Government of a Kshs. 17billion oil consignment at the Port of Mombasa.
- v.) Nominated Senator (Sen. George Mbugua, MP) to seek a Statement from the Standing Committee on Labour and Social Welfare concerning the delay in the operationalization of the Social Assistance Act, 2013.
- vi.) Nominated Senator (Sen. Mariam Sheikh Omar, MP) to seek a Statement from the Standing Committee on Roads, Transportation and Housing regarding the escalation in ticket prices for flights operating from Mandera County.

- vii.)The Senator for Migori County (Sen. Eddy Oketch, MP) to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding diplomatic relations between Kenya and the Kingdom of Morocco.
- viii.) Nominated Senator (Sen. Gloria Orwoba, MP) to seek a Statement from the Standing Committee on Labour and Social Welfare regarding the uplifting of football talent at the grassroots level.
- ix.)Nominated Senator (Sen. Tabitha Mutinda, MP) to seek a Statement from the Standing Committee on Justice, Legal Affairs and Human Rights regarding the assault of a female passenger by a matatu conductor along Thika Road.

b) Statements by Committee Chairpersons pursuant to Standing Order 56(1) (b)

- i.) The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries to make a Statement relating to the activities of the Committee for the period July to December, 2023.
- ii.) The Chairperson, Standing Committee on Health to make a Statement relating to the activities of the Committee for the period July to December, 2023.
- iii.)The Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights to make a Statement relating to the activities of the Committee for the period July to December, 2023.
- iv.)The Chairperson, Standing Committee on Land, Environment and Natural Resources to make a Statement relating to the activities of the Committee for the period July to December, 2023.
- v.) The Chairperson, Standing Committee on National Cohesion, Equal Opportunity and Regional Integration to make a Statement relating to the activities of the Committee for the period July to December, 2023.
- vi.)The Chairperson, Standing Committee on National Security, Defence and Foreign Relations to make a Statement relating to the activities of the Committee for the period July to December, 2023.
- vii.) The Chairperson, Standing Committee on Trade, Industrialization and Tourism to make a Statement relating to the activities of the Committee for the period July to December, 2023.

- viii.) The Chairperson, Standing Committee on Roads, Transportation and Housing to make a Statement relating to the activities of the Committee for the period July to December, 2023.

- ix.) The Chairperson, Select Committee on County Public Accounts Committee to make a Statement relating to the activities of the Committee for the period July to December, 2023.

- x.) The Chairperson, Select Committee on Public Investments and Special Funds to make a Statement relating to the activities of the Committee for the period July to December, 2023.

- xi.) The Chairperson, Select Committee on Delegated Legislation to make a Statement relating to the activities of the Committee for the period July to December, 2023.

NOTICE PAPER

Tentative Business for

Thursday, December 07, 2023

(Published pursuant to Standing Order 43 (1))

It is notified that the Senate Business Committee has approved the following **tentative** business to appear in the Order Paper for Wednesday, December 06, 2023 (Afternoon Sitting).

A. BILLS AT SECOND READING STAGE

- i. *THE STREET VENDORS (PROTECTION OF LIVELIHOOD) BILL (SENATE BILLS NO. 41 OF 2023)
(Sen. Esther Anyieni Okenyuri, MP)
- ii. *THE ENERGY (AMENDMENT) BILL (SENATE BILLS NO. 42 OF 2023)
(Sen. Edwin Sifuna, MP)
- iii. ****THE COUNTY GOVERNMENTS (REVENUE RAISING PROCESS) BILL (SENATE BILLS NO. 22 OF 2023)
(The Senate Majority Leader)

B. MOTION

ADJOURNMENT OF THE SENATE
(The Senate Majority Leader)
